

## ORAL HISTORY INTERVIEW

Charles P. Corke and William H. Veeder



STATUS OF INTERVIEW:  
OPEN FOR RESEARCH



Interview Conducted and Edited by:  
Donald B. Seney in 1997  
California State University-Sacramento  
For the Bureau of Reclamation's  
Newlands Project Oral History Series



Interview desktop published–2019  
By Brit Allan Storey, Senior Historian

Oral History Program  
Bureau of Reclamation  
Denver, Colorado

SUGGESTED CITATION:

**Corke, Charles P and William H. Veeder, ORAL HISTORY INTERVIEW.** Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney. Edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation. Repository for the record copy of the transcript is the National Archives and Records Administration in College Park, Maryland, or in the regional office in the Denver, Colorado, area.

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**Newlands Project Series**

**Charles P. Corke and William H. Veeder Oral History**

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### **Editorial Convention**

A note on editorial conventions. In the text of these interviews, information in parentheses, ( ), is actually on the tape. Information in brackets, [ ], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

While we attempt to conform to most standard academic rules of usage (see *The Chicago Manual of Style*), we do not conform to those standards in this interview for individual's titles which then would only be capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." The convention in the federal government is to capitalize titles always. Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of

Planning as opposed to "planning;" the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to "the 1992 act."

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development's acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

## **Introduction**

In 1988, Reclamation created a History Program. While headquartered in Denver, the History Program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation:

- water transportation over great distances;

- limited water resources in an urbanizing area;
- three Native American groups with sometimes conflicting interests;
- private entities with competitive and sometimes misunderstood water rights;
- many local governments with growing urban areas and water needs;
- Fish and Wildlife Service programs competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada;
- and, Reclamation's original water user, the Truckee-Carson Irrigation District.

Reclamation manages the limited water resources in a complex political climate while dealing with modern competition for some of the water supply that originally flowed to farms and ranches on its project.

Questions, comments, and suggestions may be addressed to:

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Denver, Colorado 80225-0007

For additional information about Reclamation's  
history program see:  
[www.usbr.gov/history](http://www.usbr.gov/history)

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**Oral History Interview  
William H. Veeder and Charles P. Corke**

Seney: My name is Donald Seney. Today is March 25, 1997. I'm with Mr. William H. Veeder, an attorney in Washington, D.C., and Mr. Charles Corke, a consulting engineer. This is our first tape and our first session.

Mr. Veeder, why don't we begin by letting me ask you one of the questions I submitted to you as you requested, and that is when and how did you first become aware of the Newlands Project?

**Senator McCarran of Nevada**

Veeder: Well, I was employed by the Department of Justice as a lawyer, particularly with reference to rights to use of water and the development of the cases in regard to them. The Alpine case and Truckee-Carson Project were referred to me as part of my work in the Department of Justice. That's how I became acquainted with it. In the process I became quite familiar with Senator [Patrick] Pat McCarran [of Nevada].<sup>1</sup> We

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<sup>1</sup> Patrick McCarran served the state of Nevada in the U.S. Senate from 1933 until his death in 1954.

always referred to him as "the third Senator from California."

Seney: He was actually elected from Nevada, of course. Why would you call him the senator from California?

Veeder: The third senator?

Seney: Yes.

Veeder: Well, he functioned for them very well. There was no question that Pat McCarran was the third senator from California. He was trying to stop a lawsuit I was trying in California [by amending the act that provided funding for the legal proceeding by opposing appropriations for the Department of Justice]. It waived the immunity of national government from suit and likewise the Indian people from suit, [markedly, that amendment] ~~and~~ subjected them to state court control, [of rights to the use of water] which is a disaster for both the United States and the Indians. Pat McCarran did that [to help California]. At that time ~~who~~ [those senators] wanted to stop ~~me from~~ [the prosecution of] ~~trying~~ the Santa Margaret litigation [which I was conducting] on behalf of the Marine Corps. So I was quite familiar with Pat McCarran, and I was quite familiar with the fact that he was truly

the third senator from California and helped them continuously, a very powerful man.

### **Working on the Alpine Ditch Decree and Pyramid Lake Problems**

Seney: What did you do on the Alpine Decree<sup>2</sup> when that assignment came to your office?

Veeder: I ~~went out to the Alpine Decree and~~ [was directed as a lawyer in the Department of Justice to conduct] the Alpine litigation. ~~as~~ [I]t was ~~ongoing and the~~ [a] struggle in which we were engaged [principally with] the Truckee-Carson District [which managed the federal Reclamation project]. We attempted to make

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<sup>2</sup> "The Federal Court adjudication of the relative water rights on the Carson River which is the primary regulatory control of Carson River operations today. The decree is administered in the field by a watermaster appointed by the federal district court. The decree, initiated by the U.S. Department of the Interior on May 1, 1925 through U.S. v. Alpine Land and Reservoir Company, et al., to adjudicate water rights along the Carson River. The decree was finally entered 55 years later on October 28, 1980, making it the longest lawsuit undertaken by the federal government against private parties over water rights. The decree established the respective water rights (to surface water only) of the parties to the original lawsuit, both in California and Nevada to Carson River water." See, Babylon Software, [www.babylon-software.com/definition/ALPINE\\_DECREE\\_\(California\\_and\\_Nevada\)/](http://www.babylon-software.com/definition/ALPINE_DECREE_(California_and_Nevada)/) (accessed 5/2019).

some sense out of gross mal-administration of that sorry project. And as a young lawyer—I was young in those days, quite young—I went out there and I tried to understand the function of what they were doing.

In the process, I naturally became exposed to the Pyramid Lake situation, and the Pyramid Lake Indians came to me, and the matter was ultimately referred to me as an attorney in the Department of Justice, "Go and see what you can do for the Pyramid Lake Tribe, in view of the fact that the Truckee-Carson Irrigation District [TCID] is destroying Pyramid Lake and destroying the tribe." So it became a very substantial part of my work in the late forties and the early fifties.

It became extremely important to comprehend how a government agency such as the Bureau of Reclamation could aggressively undertake to destroy Pyramid Lake to obtain water for certainly one of the sorriest irrigation projects that was every put together, totally subsidized, totally a political scheme, in which powerful Senators—[Francis] Newlands<sup>3</sup> [of

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<sup>3</sup> Francis Newlands was one of the primary authors of the 1902 Reclamation Act and served the state of Nevada in the U.S. House of Representatives from 1893 to 1903, and in the U.S. Senate from

Nevada], of course—were able to take money from the federal treasury, subsidize an area that should never have been farmed—I really believe that—and destroy a magnificent lake and destroy—and I think it's genocide, truly. When they planned to take the water away from Pyramid Lake, they planned the Pyramid Lake Tribe out of existence, when you really get into it.

That is my background. That's how I became interested in it. I was originally involved in water rights in the Department of Agriculture, originally. And that's how I moved over to the Department of Justice.

### **Secretary Udall Names an Interagency Task Force on Newlands Project Problems**

Seney: Mr. Corke, let me ask you the same question, that is, how and when and why did you become involved in and aware of the Newlands Project?

Corke: I came to Washington in 1964, which is very interesting. That's the date of the signature of Secretary [Stewart L.] Udall, who was Secretary

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1903 to 1917.

of the Interior.<sup>4</sup> He had named a multi-agency task force. The Bureau of Indian Affairs (BIA) representative was Si [E. Reese] Fryer [Assistant Commissioner, Bureau of Indian Affairs], who was my immediate supervisor. I was his deputy, and he was my mentor.

Seney: And you were then in the Bureau of Indian Affairs?

Corke: I was in the Bureau of Indian Affairs. Shortly after I came here, I became involved, not as a member of that high-level task force—it was more senior people than I—but as the B-I-A engineer that went out to Nevada numerous times. At that point, they were trying to get agreement for a settlement of the Alpine Decree, and we Indian-supporters, advocates, and the tribe were the bad guys at those meetings, because, you know, the State Engineer of Nevada was there, and as you said, the power company and all the water-using people and the lawyers, from the irrigation district, T-C-I-D—and I go out there and—I went out there, I can remember, with the Commissioner of Reclamation, even.

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<sup>4</sup> Stewart L. Udall served as Secretary of the Interior under the Kennedy and Johnson administrations from 1961 to 1969.

We were opposed to the allocation of what we asserted was excess water to those upper valleys, and that every acre foot that was given to them meant another acre foot was going to be diverted at Derby Dam<sup>5</sup> out of Truckee [River] into Lahontan [Reservoir], and thereby deprive the lake, Pyramid Lake, of water.

Seney: Let me stop you just for one second. When you say the "upper valleys," you're referring to—

Corke: I'm talking about the upper Carson Valley, on up the Carson [River]. And, of course, Watashemu [Dam], or however you pronounce it, that was proposed upstream. Reclamation wanted to build that, you know.

Seney: Your view being that if water was held in the proposed Watashemu Dam in the upper Carson and used there, then there would be a greater demand for Truckee River water.

Corke: It was made up by Truckee water, as they did so

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<sup>5</sup> Authorized for construction in 1903, Derby Dam is a diversion dam on the Truckee River, located between Reno and Fernley in Storey and Washoe counties in Nevada was completed in 1905. It diverts water that would otherwise feed Pyramid Lake into the Carson River watershed for irrigation use. The dam was listed on the National Register of Historic Places in 1978 as the "Derby Diversion Dam."

frequently. Also, about that time, due to the drought and everything else that was happening, Pyramid Lake was dropping in elevation precipitously. So we, when I was out there, early on, [I] took a trip over to Newlands Project<sup>6</sup> just to get a feel for what there was there, and that's when we, Indian advocates, observed that the ditches were running full and water was being dumped on that land far in excess of its need.

That, in a nutshell, is how I became involved, as I say, in the mid-sixties particularly. Then for the next ten, twenty years, I guess, I was here in the central office, and I was the chief water resource person back here.

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<sup>6</sup> Authorized by the Secretary of the Interior March 14, 1903, the Newlands Project was one of the first Reclamation projects. It provides irrigation water from the Truckee and Carson Rivers for about 57,000 acres of cropland in the Lahontan Valley near Fallon and bench lands near Fernley in western Nevada. In addition, water from about 6,000 acres of project land has been transferred to the Lahontan Valley Wetlands near Fallon. Lake Tahoe Dam, a small dam at the outlet of Lake Tahoe, the source of the Truckee River, controls releases into the river. Downstream, the Derby Diversion Dam diverts the water into the Truckee Canal and carries it to the Carson River. For more information, see Wm. Joe Simonds, "The Newlands Project," Denver: Bureau of Reclamation History Program, 1996, [www.usbr.gov/projects/pdf.php?id=142](http://www.usbr.gov/projects/pdf.php?id=142).

Seney: What you're talking about is you worked as a staff person. You've handed me the publication which is titled "Action Program for Resource Development, Truckee and Carson River Basins, California-Nevada," prepared by a task force of Department of Interior agencies in accordance with instructions issued by the Secretary of the Interior, dated October, 1964. And this would have been Secretary of the Interior Udall who did it.

#### **Truckee River Interagency Report**

Corke: Right. Oh, yes. Yes.

Seney: Mr. Veeder, my understanding is you had some hand in getting this study done.

Veeder: Well, I was certainly interviewed repeatedly on it from both the Hill [Congress] and elsewhere.

Seney: Let me tell you specifically. Bob Pelcyger<sup>7</sup> told

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<sup>7</sup> Robert (Bob) S. Pelcyger participated in Reclamation's Newlands Series oral history project. See, Robert (Bob) S. Pelcyger, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Professor Donald B. Seney for the Bureau of Reclamation, in 1995 and 2006, in Reno, Nevada, and Boulder, Colorado, 1995 interviews edited by Donald B. Seney and all interviews further edited by Brit Allan Storey, senior

me, who, as we all know, is the Pyramid Lake Tribe's long-time attorney, that you were instrumental in getting the secretary to appoint this commission to begin with. Was he right about that? Don't be too modest on me here.

Veeder: We were all in it together. We asked people to do it. We were in contact with senators. I was insistent that there be an exposé, in my view, at that time in regard to what I perceived to be the intentional planning of the Pyramid Lake Tribe out of existence and the destruction of Pyramid Lake. What I wrote there and what I published repeatedly was the result. As I said, we were in contact with people on the Hill. They would come to us, and we'd talk to them about it. They were able to accept my position. Phil [Mr. Corke] and I worked closely on these matters, and it seemed to me that there was an imperative need for somebody to look at the situation.

I think you've probably encountered the politics of Pyramid Lake. I think you've already encountered the politics of the water users, the politics that predominate the area. Certainly we were totally aware of it, and, certainly, when the

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historian of the Bureau of Reclamation, 2013,  
[www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

senators asked my assistance on it, I said, "Well, you can't possibly let California and Nevada divide up the water if you're going to even attempt to preserve Pyramid Lake and to avoid the total destruction of the Pyramid Lake Tribe." That was my participation.

Seney: Now, at this point, you're talking about the interstate compact.

Veeder: Yes.

Seney: I'm talking about this 1964 study that Secretary Udall commissioned. And again, Bob Pelcyger tells me that—

Veeder: I worked on the thing, yes.

Seney: You worked on it. Okay.

Veeder: I did, but when we get down to what—incidentally, I have a storeroom full of stuff I did. But do you remember, Phil, I was working with you at that time, wasn't I, at that time?

Corke: Yes, and since we're talking about that document specifically, it's very interesting to look at the members of the task force, old

friends of ours, if you want to use the terms loosely, because—

Veeder: Harry Hogan and those guys?

Corke: Reclamation, as usual, when water was involved, we felt the Indians always got shorted. They had their lawyer, Harry Hogan [Associate Solicitor-Water and Power Office of the Solicitor], who was on it, plus Dan [David] McCarthy [Chief-Division of Project Development, Bureau of Reclamation] representing Washington-level Reclamation. They ~~were~~ [has us] outnumbered. We were always outnumbered. But speaking of outnumbered, then you'd notice the member of the [U.S.] Fish and Wildlife Service, which is Jim McBroom [Assistant Director Technical Services-Bureau of Sport Fisheries and Wildlife], during this tussle is when we nicknamed him "Old Tailwater" McBroom because he was interested in—

Veeder: Fish and Wildlife.

Corke: —in big applications of water on the Newlands Project because water wasted, went on down to

the Stillwater Refuge<sup>8</sup> and made the hunters and the ducks happy. But I put him in the same category of, you know, Reclamation was advocating for T-C-I-D, and he was advocating for large allocations or large usages of water by the water users, because the more they put on, the more ran off there and entered his jurisdiction.

Seney: So it was essentially three to one here, then: the two Reclamation guys, the Fish and Wildlife guy, against the Bureau of Indian Affairs.

Corke: Right. I wanted to mention that. That's why it was so tough for us to combat that kind of membership.

Seney: This is the first time I've seen this report.

Corke: Is it?

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<sup>8</sup> U.S. Fish and Wildlife Service, "Stillwater National Wildlife Refuge is located in the Lahontan Valley of north-central Nevada, near the community of Fallon, sixty miles east of Reno. This area has been designated a site of international importance by the Western Hemispheric Shorebird Reserve Network because of the hundreds of thousands of shorebirds, such as Long-billed dowitcher, Black-necked stilt, and American avocet passing through during migration." [www.fws.gov/refuge/Stillwater/about.html](http://www.fws.gov/refuge/Stillwater/about.html).

- Seney: Yes. There's not another a copy of it in the bureau library in Carson City [Nevada], which is fairly extensive. Why they don't have one I have no idea. But this is the first I've seen of it. If you recall—or maybe you even looked it over in preparation for our getting together. I take it you're talking three to one here, two Reclamation, one Wildlife, versus one Bureau of Indian Affairs guy. I take it, then, the report itself reflects that sort of outlook and bias.
- Corke: Oh, sure.
- Veeder: It's totally biased.
- Corke: I don't know if you want to borrow that and make copies.
- Seney: I'd love to.
- Corke: It's up to you, but, you see, in the main body of that report is a series of recommendations, and certainly those recommendations there and that so-called action program reflect the elements that I was talking about.
- Veeder: That's the nine-point program.
- Seney: Recommendation number one is provision of firm irrigation water supply [for TCID]. And

that says it all, doesn't it, I mean, in terms of what the outlook of the report is?

Corke: Sure.

Seney: And then number two is regulations defining conditions for exceeding firm supply and purposes for which such excess may be used.

Recommendation number three has to do with water supply for Stillwater [Wildlife Refuge], improvement of drainage, lands for Stillwater. Only in number four do we get flow into Pyramid Lake. And then number five, restoration of fishery. And six, amendment of the Truckee River final decree. That would be the Orr Ditch Decree,<sup>9</sup> I take it.

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<sup>9</sup> "The Orr Ditch decree was entered by the U.S. District Court for the District of Nevada in 1944 in *United States v. Orr Water Ditch Co., et al.* The decree was the result of a legal action brought by the United States in 1913 to fully specify who owned water rights on the Truckee River and had rights to storage in Lake Tahoe. The Orr Ditch decree adjudicated water rights of the Truckee River in Nevada and established amounts, places, types of use, and priorities of the various rights, including the United States' right to store water in Lake Tahoe for the Newlands Project. The decree also incorporated the 1935 Truckee River Agreement among Sierra Pacific Power Company (now Truckee Meadows Water Authority), TCID, Washoe County Water Conservation District, Department of the Interior, and certain other Truckee River water users." See Truckee Carson Irrigation District,

Corke: Right.

Seney: And Number seven, now we're getting to some M&I [municipal and industrial] uses here, interim M&I use, salvage of water in the Newlands Project, appraisable groundwater. Eight is coordination of plans and programs of the Interior bureaus. Nine is modification of proposed contract with the Carson-Truckee Water Conservancy District. This would have had to do, probably, with Stampede Reservoir,<sup>10</sup> I suppose, from which they originally contracted for water, if I'm not mistaken. And then ten, the continuation of the task forces.

Did this have any other effect of raising the issue of the treatment of Pyramid Lake in a way

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"What is the Orr Ditch Decree and why is it important?"  
<http://www.tcid.org/support/faq-detail-view/what-is-the-orr-ditch-decree-and-why-is-it-important>. (Accessed 5/2016)

<sup>10</sup> Stampede Reservoir is reserved by court decree for fishery enhancement, primarily for the spawning of the endangered cui-ui, along the Truckee River downstream from Derby Dam and facilities operation of the Pyramid Lake Fishway. The reservoir provides water primarily for fishery enhancement along the Truckee River and Pyramid Lake Fishway facilities operation. The reservoir also provides flood control, recreation, a reservoir fishery and other fishery improvements on the main Truckee River, Little Truckee River, and Boca Reservoir. The dam is owned and operated by Reclamation and is part of the Washoe Project.

that made it more compelling and harder to ignore, or did this just help to undergird the strong position of T-C-I-D at this point?

Veeder: What do you think, Phil?

Corke: Well, I think that's true. I think, as I said, the drought that was coming on the scene about the same period of time made it more crucial and the effort longer and harder and more active. I'm sure it was a very active period of time right then on these issues we're talking about.

### **The Political Bias of the Department of the Interior**

Veeder: But there's one thing that permeated everything we did, every contact we had, every conversation we had, was that the Bureau of Reclamation, the Secretary of Interior, invariably would support the white man against the Indian, invariably would oppose our position, invariably could get to senators much quicker than we could, and we attempted. But what you are looking at is a milieu that had decided on a goal: to destroy the Indians of Pyramid Lake. That is what I came away with. It was a pragmatic concept that you either accepted or simply bowed out.

You had to say, "You're on a losing side. Do you have the courage to go on?" You never said that in so many words out loud, but you could not have come back to this office where I was sitting and say, "Well, here is the very essence of total corruption, total bad government, waste of money, to subsidize a project that could not possibly be deemed to be financial from any pay-off." Now, Phil's the expert on this; I'm not. [With] Tailwater McBroom and all those guys, the meeting was cut and dried before you got there.

I'm a lawyer. I've spent my life in this kind of stuff. You knew pretty well where you were. And we knew pretty well right there that there was not a remote ~~intention~~ [possibility] of the opposition backing off from the hard line they had taken, that they wanted a full [Truckee] canal, day in and day out. It was very good to duck hunters. That's what you're looking at. You're looking at corruption and death.

### **The Fish and Wildlife Service has Two Views on Pyramid Lake**

Seney: You know, at this point, Fish and Wildlife is kind of schizophrenic because you've got the refuge people down in Stillwater who want, obviously, water out in that wildlife reserve, but

then you've also got the fish people up at Pyramid Lake who are interested in restoration of fish. I take it at this point there wasn't that two ways of looking at things. They weren't involved yet in fish restoration at Pyramid.

Corke: That's right. Not really. They weren't.

Veeder: Incidentally, what is the present status of the Lahontan cutthroat trout?

Seney: The Lahontan trout is about to be taken off of the threatened list.

Veeder: Endangered?

Seney: No, it's never been on the endangered list; it's been on the threatened list. Remember, by the 1940s the originally species was gone.

Veeder: That's right.

Seney: Then the state of Nevada restored it, and it's been on the threatened list, and now it looks as though it's about to be taken off the threatened list, although the cui-ui is still endangered, and there doesn't seem to be any move to take that off yet.

### **The Political Bias of the Bureau of Reclamation**

Veeder: That's why I was pleased to see your name when you said you were coming, because I have been intensely interested in the things about which we're speaking, because it always struck me at the time and as a lawyer representing the Bureau of Reclamation for many years, they were politically powerful beyond reason.

Seney: The Bureau of Reclamation?

Veeder: Yes. And when the history is being written of them, it's a history of the rich man's agency, the bankers' agency, as I said. They brought a lot of money into the area, subsidized lands that probably shouldn't have been irrigated.

Seney: You're referring now not just to the Newlands Project, but other areas as well.

Veeder: That's right. But I think the Newlands Project was the most difficult to justify that I have ever seen. Did you ever see one?

Corke: No, not as bad. And of course, it was one of the first five that—

Seney: Yes. It's generally regarded as specification number one.

Veeder: Is it?

Seney: Yes. Others may have been built, but it was the one that was on the list first and begun first. Can you explain to us why you regard it as such a poor Reclamation project, from your point of view?

Corke: Well, as I said earlier, the sorry soils, poor drainage.

Veeder: Phil, before the sorry soils, isn't it true the sandy soils in there, some of them were . . .

Corke: Well, I guess what it is, if you were ever talking about economic feasibility, in the first place, the crops they could grow there are very limited. The returns are low because of the quality of the soil. Drainage was a terrible, terrible problem that you could see when you drove there, and a lot of the land, of course, became salted out. I think originally they—I don't know the precise number, but originally they visualized a project of a couple of hundred thousand acres.

Veeder: It was more than 406,000, wasn't it?

Corke: Did they ever get over sixty maybe?

Seney: The most, I think, the highest estimates are there was sixty-five plus or minus.

Corke: So anyway, that was what I was demeaning them about.

### **The Poor Prospects for the Success of the Newlands Project**

Seney: Have you ever seen the evidence, or do you have a view, that they knew this at the time the project was built?

Veeder: Yes. Oh, hell, yes. I'll tell you, by that time—and I'm speaking of listening to my parents and others—they were fully cognizant.

Corke: You're talking about 1902 time.

Veeder: Yes. I'm talking about what I would hear as a kid growing up in Montana. We were looking at the Huntley Project<sup>11</sup> in the Billings area.

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<sup>11</sup> In 1905 Construction began on the Huntley Project in south-central Montana. Project works include a rockfill and concrete diversion dam, 32 miles of main canal, 22 miles of carriage canals, 202 miles of laterals, 186.5 miles of drains, a hydraulic turbine-driven pumping plant and an auxiliary electric pumping plant, both in the main canal, and in an offstream storage reservoir. The project can furnish water to irrigate approximately 30,000 acres. For more information, see Timothy A. Dick, "Huntley Project," Denver: Bureau of Reclamation

That was my orientation. And the people, by that time, were very, very knowledgeable in soils. The people with whom we dealt were very cooperative—I'll bet your family was, too, Phil. They knew soils. There was no secrets about what was good or bad, but here was an opportunity, and this is what I've looked at all my life, of somebody coming in with a powerful, powerful political figure to help them, and you see good land that wouldn't be developed. I was up close on all this stuff. And this is not an old man who's bitter. I had a magnificent life. I've had the opportunity to try a lot of lawsuits and see a lot of country and really see government function. There's no bitterness. I was surprised—I never got over it—at the temerity that I encountered and the money that was spent and land obviously—I was saying to Phil, you know, for a lawyer, I was always looking at soils, I was looking at water without having real knowledge about it, except that I could see the consequences of bad government. Isn't that what we saw there?

Corke: Oh, yes. Yes. That was it.

Veeder: There was sufficient knowledge in those days,

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History Program, 1996, [www.usbr.gov/projects/pdf.php?id=126](http://www.usbr.gov/projects/pdf.php?id=126).

I'll guarantee you, that the Washoe—and I'm jumping around a little bit. There was no question the Newlands Project was strictly a political undertaking.

### **The Motivation for Appointing the Task Force in 1964**

Seney: What was your understanding of why the Secretary would appoint a task force to study this at this point? What would be the reason for doing this.

Veeder: The 1964 Task Force?

Corke: Well, you know, I'm not sure, because I came to town just as that was implemented, the action programmed. Why that year, I'm not certain. It may say in the introduction. I don't know.

Seney: Yes. Well, it may say, but that may not be the real reason. Sometimes that's the case, isn't it, that the real reason won't be here.

Corke: That's true. I personally think it was because of all the competing interests for the limited water supply, and Interior [Department] had a lot of competing interests and—

Veeder: And conflicts of interests.

Corke: Conflicts.

Veeder: Conflict of interest was one of the biggest things that gave rise to that.

Seney: Let me turn the tape over.

END SIDE 1, TAPE 1. MARCH 25, 1997.

BEGINNING SIDE 2, TAPE 1. MARCH 25, 1997.

Veeder: At the time that all this came forward, Phil as a younger man came to town. The issue of conflict of interest in which the Secretary of the Interior postured as a representative of the Indians while he was stealing water from them certainly came out loud and strong, and we were writing extensively on the subject. And there is no question, none, that by that time, the conflict of interest was so reprehensible that the Secretary of Interior was talking about it.

Corke: Well, one of the things, of course, in that era that I observed during my whole career, I remained in Washington in the Office of the B-I-A until I retired in '87, but Stewart Udall himself was more personally involved and more interested in these matters of Indians and water and what have you—not particularly favoritism for Indians, but he was, as I say, more

personally involved than any Secretary of the Interior I ever saw while I was back here.

As a matter of fact, when he was secretary, I was in his office a number of times on Pyramid Lake and other issues. I was never invited into the inner sanctum of the Secretary of the Interior by any other secretary, but he did have a personal interest. Whether it's because he came from Arizona originally or whatever, but he did get himself involved personally. And I think that controversies like this, he had the idea that he could resolve them, get a consensus, and everybody would be happy.

Seney: It's, as you point out, the appointment of these four task force members really settles the issue before it's even looked at, I would think.

Corke: Oh, yes.

Seney: And this is how it's done, I'm sure, "Well, we'll have a study, and we'll appoint So-and-So, and we know what their conclusions are going to be."

Corke: You'll find it rather interesting that, of course, they had a field task force. The ones that were supposed to do the work out there, Art Piper from [U.S.] Geological Survey, they figured

he'd be an independent and it would look good to name him as the chairman of the field task force. But when the decisions and the discussions were held, those guys out there were never involved. They held data-collection sessions and so forth, but as far as policy-making or decisions and recommendations, you never saw them around. As you said, they were at the upper levels of the bureaus back here with the secretary.

#### **Dealing with Secretaries of the Interior on Pyramid Lake Issues**

- Seney: What would you go in and see Secretary Udall about in terms of Pyramid Lake? Do you recall what you wanted to talk about and what happened in those meetings?
- Corke: Well, when I was there, there was briefing of progress, you might say, on things like the Alpine Decree and the diminishment of Pyramid Lake. Mostly it was for his briefing purposes in this instance.
- Seney: Well, as you say, he's the only one of the many secretaries you served under that showed an interest in this kind of thing.

Corke: Yes, any kind of personal interest. You know, Rogers C. B. Morton,<sup>12</sup> from the eastern shore of Maryland had no interest, as an example, is all I'm using him for. But as I said, in hindsight, it's rather interesting to reflect that he [Secretary Udall] was the only one that got that much personally involved in water matters, Western matters, and non-Arizona matters.

Seney: You know, it's interesting that three years after this report is written, the Endangered Species Act is passed, and the cui-ui was listed in that first batch of fish. Did you have anything to do with that at all? Do you recall when that happened?

Corke: I don't recall.

Seney: Did people understand the implications of what that would mean at that point, to have that fish listed there, in terms of the changing relationships on the Truckee and the Carson river.

Corke: I just don't recall.

### **The Interstate Compact**

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<sup>12</sup> Rogers C.B. Morton served as Secretary of the Interior under the Nixon and Ford administrations from 1971 to 1975.

Seney: Well, let's talk a little bit about the interstate compact, because one thing Mr. Veeder showed me here is entitled—at this point, you were in the Bureau of Indian Affairs, I take it, because its entitled "Congressional Approval of the California-Nevada Interstate Compact Will Destroy Pyramid Lake," by William H. Veeder, U.S. Department of the Interior, Bureau of Indian Affairs, and it's quite lengthy. This must be the Interstate Compact here printed as an appendix in the back. It's about 120 pages long.

Corke: Is it that long? I just pulled it out of the file yesterday. I saw it there. But see, really, on this thing, it goes back—as I said, it goes back to the very essence of bad government, it really does. I think that's what we're writing about there. The vacuity of thinking in a desert area where they'd tried to apportion between states a constricted quantity of water and the desperate need of water if you have any mind at all about preserving the Pyramid Lake and the environment. That is what always was astounding to me on that interstate compact, and it was a wrapped-up deal. There's no question about it. We knew that when we wrote the statement. But the degree of pushing aside reality and making some money on dividing up that water, there's no question that that was what

was involved.

Here's a priceless [resource]—in my view. I'm interested in the environment. That area to me is beautiful, and the state of California and the state of Nevada seemed to divide up a desperately short quantity of water, attempted to justify projects in regard to it, Stampede Dam and the whole area up there, the Watahemu Dam, and they went ahead, and it was, in my view, the total unconscionable course of conduct.

Corke: Well, this, of course, came up every year, you know. And there is a companion document that I presume is very similar to this, has a different cover on it, that Mr. Veeder put together at the request of and furnished to Senator Howard Cannon,<sup>13</sup> who then was a junior—I don't know if he was a junior [senator], but, anyway, he was a Nevada senator. He had some staff people that were very interested and wanted to get our viewpoint so they could supposedly have all interests represented, and none of them could understand where we were coming from.

Corke: The interesting thing about it is that they paid

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<sup>13</sup> Howard Walter Cannon served the state of Nevada in the U.S. Senate from 1959 to 1983.

some attention to us, really. Isn't that interesting?

Seney: How do you mean, they paid attention?

Corke: Well, they would have—I can't even remember the number of meetings I attended from Sacramento on back and all over the country. We'd wind up talking about Pyramid Lake and the crime that was ongoing, and they did. You're seeing a pretty complete record of opposition, and sometimes you don't see that at all, I'll guarantee you.

#### **Changes in the Bias of the Department of the Interior**

Seney: The man who works on this matter for the Department of Justice now, Fred Disheroon—do you know Mr. Disheroon?

Corke: Mr. who?

Seney: Fred Disheroon.<sup>14</sup>

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<sup>14</sup> Fred Disheroon participated in Reclamation's Newlands Series oral history project. See, Fred Disheroon, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2010, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

Corke: No.

Seney: Who has been the Department of Justice's lead attorney on questions dealing with the Truckee-Carson Irrigation District for maybe a dozen years, something of that kind, and then, within the Department of Interior, there's a man named Bill Bettenberg.<sup>15</sup> Do you know him?

Corke: Yes.

Seney: And he has been, since about 1990 or so, the point man for the Department of the Interior for the Public Law 101-618 implementation.<sup>16</sup>

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<sup>15</sup> William Bettenberg participated in Reclamation's Newlands Series oral history project. See, William Bettenberg, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2009, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

<sup>16</sup> Public Law 101-618 became law on November 16, 1990. The Law contains two acts: The Fallon Paiute-Shoshone Tribal Settlement Act and the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The main topics of the legislation are:

- Fallon-Paiute Tribal Settlement Act
- Interstate Allocation of water of the Truckee and Carson rivers.
- Negotiations of a new Truckee River Operating Agreement (TROA).
- Water rights purchase program is authorized for the Lahontan

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- Corke: That's what I was going to say.
- Seney: Right. And it's very interesting. Certainly Fred Disheroon and Bill Bettenberg, too, while they're both judicious bureaucrats—and I use that not in a judgmental sense, that term—officials, they're judicious officials, I don't think there's much question that their sympathies really don't lie with the Truckee-Carson Irrigation District. They hate Mr. Disheroon especially, on the Truckee-Carson Irrigation District, they regard him, really, as an advocate for the Indians. And I take it, from the period we're talking about now, '64, '72, into the seventies, that the upper leadership of the Department of Justice and the upper leadership of the Department of the Interior would have been more biased in favor

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Valley wetlands, with the intent of sustaining an average of about 25,000 acres of wetlands.

- Recovery program is to be developed for the Pyramid Lake cui-ui and Lahontan cutthroat trout.
- The Newlands Project is re-authorized to serve additional purposes, including recreation, fish and wildlife, and municipal water supply for Churchill and Lyon counties. A project efficiency study is required.
- Contingencies are placed on the effective date of the legislation and various parties to the settlement are required to dismiss specified litigation.

Source: [http://www.usbr.gov/mp/lboa/public law 101-618.html](http://www.usbr.gov/mp/lboa/public%20law%20101-618.html)  
(Accessed December 2011).

of the irrigation district.

Corke: No question. No question.

Seney: Have you seen a change in that?

Veeder: I have never seen a change. I have never, in the work I do—I was showing Phil some of the work I'm—I'm spending my life now in regard to the White Mountain Apache Tribe with the Salt River Project,<sup>17</sup> which was contemporaneous with the Newlands Project, one of the first, the Bureau of Reclamation, the biggest fight I had, the Secretary of the Interior committed all the water—all the water—on the Fort Apache Reservation to the Bureau of Reclamation Salt River Project downstream. And that's genocide. Fortunately for us, we've been able to do something about it.

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<sup>17</sup> The Salt River Project, located near Phoenix, Arizona, includes a service area of about 240,000 acres spanning portions of Maricopa, Gila and Pinal Counties in central Arizona. Construction was started on August 24, 1903, and the first water was delivered in 1907. The original project system, composed of Theodore Roosevelt Dam and Powerplant, Granite Reef Diversion Dam, and the improved main canals, was placed in service in 1909 and completed in 1911. For more information, see Robert Autabee, "Salt River Project," Denver: Bureau of Reclamation History Program, [www.usbr.gov/projects/pdf.php?id=183](http://www.usbr.gov/projects/pdf.php?id=183).

The issue that you're dealing with, professor, is genocide. Bear that in mind. There is no question. Whether you're looking at the Flathead Tribe in Montana or you're looking at the Pyramid Lake Tribe in Nevada, you are looking at the dominant society spending millions of dollars to get the Indians off the land and get the land and water from the Indians. That is why I was pleased to see your letter and pleased to have you show up, because I think it's a phenomenon that's extremely interesting. How can the Bureau of Reclamation conceivably write a history where the objective, really, of what they were doing was to plan the Indian out of existence? You don't have to respond to that, but that has been my feeling.

Seney: I don't feel compelled to defend the bureau in any way whatsoever.

Corke: No, I'm not asking you to.

Seney: But I'm not talking so much about the bureau, now, as I'm talking about the Department of the Interior itself and the leadership in the Department of the Interior. Because there are squabbles that I am aware of at this point between the Department of the Interior and the Bureau of Reclamation over what should be

done out on the Truckee-Carson Irrigation District. To some extent, the Department of the Interior leadership tries to pull the Bureau of Reclamation along in the direction they want them to go in. Am I seeing this wrong?

Veeder: I've never seen that. Have you?

Corke: No. Are you talking about in the last ten years?

Seney: Probably so, yes. Probably so. Much more recently than you're talking about here.

#### **The Treatment of the Indian Tribes by the Justice Department**

Veeder: Let me answer that question in this way. Excuse me for interrupting. Within the last eighteen months, two years, there is an open war with the Department of Justice over the issue of whether the White Mountain Apache Tribe has an adjudicated aboriginal title. Attorney General [Janet] Reno says no. I have a judgment acknowledging, establishing, that aboriginal title. I have filings made throughout the whole area in Arizona in which the Department of Justice at this moment is aggressively attacking Indian water rights and constricting them all over the country. I'm surprised you say there's a leaning. My

experience is this. It is far more aggressive than I have ever seen previously. One, they have the most incompetent group of lawyers I've ever encountered in my life, and that's part of a well-laid plan. There are competent lawyers, you know.

Seney: You mean the lawyers who are supposed to represent the Indians—

Veeder: Are incompetent.

Seney: Are incompetent?

Veeder: Oh, yes. I'm going on the record on this, because what we're speaking about is that these very reasons why people like Janet Reno are fostering, in my view, and pressing hard to get the Indians under state control, is to be very sure that the "Winters Doctrine rights" are effectively destroyed for the benefit of the non-Indian water users.<sup>18</sup> I think that's where we are. And I think

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<sup>18</sup> "The federal reserved water rights doctrine was established by the U.S. Supreme Court in 1908 in *Winters v. United States*. In this case, the U.S. Supreme Court found that an Indian reservation (in the case, the Fort Belknap Indian Reservation) may reserve water for future use in an amount necessary to fulfill the purpose of the reservation, with a priority dating from the treaty that established the reservation. This doctrine establishes that when the federal government created

the fight today, the struggle today professor, is do we have the conscience to simply say, "We cannot destroy those Indian people simply because we have the power."

That's where we are, and everything that you've mentioned today and everything you've touched upon regarding the Newlands Project underscores the fact that the United States Government is not interested a cockeyed bit, other than posturing, in regard to saving the Indian people, in my view.

What's more, I hope you understand I'm not a bitter guy. At eighty-seven years old, I've had an excellent life, and I've enjoyed it very much, but I've been looking at this thing as up close as a guy can get, in and out of court, and we are witnessing a situation, to me, which is a crime against humanity. We're very worried about what's going on in Central Africa and we're very worried about what's going on in Central Europe, but we're not worried a bit about the fact that there's a tiny minority being destroyed. That's what worries me. I think there is such a

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Indian reservations, water rights were reserved in sufficient quantity to meet the purposes for which the reservation was established." Source: <http://www.blm.gov/nstc/WaterLaws/fedreservedwater.html>. (Accessed December 16, 2011)

thing as the God Almighty, and I don't believe we can commit the crime that's ongoing. I'm sure that this doesn't relate to any of your—

Seney: No. No. I told you I wanted your perspective on these things. Again, my perspective is a narrow one, so when I go out and interview the irrigators, the farmers, on the Truckee-Carson Irrigation District and the leadership of the district, they will tell me, chapter and verse, how the Department of the Interior and the Department of Justice no longer look after their interests, that they're solely now interested in the Pyramid Lake Tribe primarily, not necessarily the Fallon Tribe, which, of course, benefits from all this water that flows out into the Stillwater marsh.

So that's the basis for my question to you, is the comments that they have made to me, and, again, when you imagine all of these oral histories up on the shelf and people taking them down and looking at the Truckee-Carson Irrigation District people interviews and they're saying here the government's all on the side of the Indian, then they get to people like yourselves, and they say, "Well, you'd better ask them about that." So I need to ask you if this is the case. I take it you feel the same way?

Veeder: Yes.

Seney: That there's no difference really?

Corke: I haven't seen it.

Veeder: [When it] comes right down to it, whether you're trying the lawsuit, "What are you doing? What are you trying to do?" is, we are the dominant society. We can take from the Indian their source of livelihood and destroy them in grossly evil acts, grossly.

I think the Alpine litigation, I think the Truckee Decree, the whole scene, the planning of the project, had to be attributable directly to the uncontrollable greed and the political power of the white man in Arizona [Nevada] that could undertake to destroy a tribe and a magnificent natural resource. Greed. Power.

When I smiled at seeing your letter in regard to the Newlands Project, I just had to smile, because, one, it took me back to many days in Reno, many days of Pat McCarran and his lawyer, Bill Cashil. I wonder if Bill's still alive. Anyway, the fact remains that you're touching on an issue, I think, where the nation's morals are directly involved. The average person back here hasn't the remotest idea what we're

speaking about. None. I live over across in Virginia. It's beautiful. Plenty of water. No one every thinks about water. That's certainly not true in Carbon County, Montana. You're sitting there with a smug smile, Charlie.

Corke: No. I was thinking how the national scene has shifted, but the results end up the same. By that, I mean that the big states' rights, state jurisdictional thing, that's manifested whether you're talking about a welfare program or [water]—but I can see the moves under way to get the Indians out of Washington, out of the federal government—

Veeder: Well, yes.

Corke: —and into the state systems, and I think it's tragic. I was going to say I wondered if you could compare, because you have been as close to it as anyone, in the era of [first name?] Code [phonetic], for example, what he did in Yakima and then what he did when he went on down to the Salt River Project in Arizona.

Veeder: Well, of course, the whole history of—my first immersion into the politics of water was they assigned me over there in Yakima in the Ahtanum Creek litigation. The Secretary of the

Interior, the Code Decree—this man Code was working for the government, they gave 75 percent of the water in the Ahtanum Creek desperately needed by the Yakimas, they gave it to the white man.

Seney: Say the name of the creek again.

Veeder: Ahtanum Creek. A-H-T-A-N-U-M. Now, it's been an interesting experience. So I went into the federal district court, and they sustained the theft to 75 percent of the water. I went to the Ninth Circuit on that case, argued it. By a strange coincidence, a man named Judge Pope was sitting on the bench, and he had been a professor in the law school in Montana where I attended school. I argued the case—I'm talking about the Code Agreement, now, Phil—and to my total amazement, they ruled against me. I couldn't believe it

A couple of months later I was walking into the Ninth Circuit arguing another case, and Judge Pope came down to me, and he said, "I want you to understand what happened on the Ahtanum case."

I said, "Well, you were sitting on it." I wasn't being smart either. He said, "Well, this guy from Arizona took the leadership in there." I've

forgotten the judge's name. "We had someone sitting in from the East. Simply, anti-Indian forces were so great." Judge Pope told me he wasn't even listened to. Now, I never had this happen before or after.

Seney: A judge tell you something like this, you mean?

Veeder: A judge came and spoke to me directly on the subject. And there was the theft—ultimately we tried the case again, and we came out all right, and we limited the water, and we got all the things you had to do to clean up the absolute corruption of the Secretary of the Interior and the Code Agreement. Code went down to Salt River, did the same damned thing, said the same thing.

Seney: Code is a person?

Veeder: Yes.

Seney: His first name?

Veeder: I don't—anyway, the Code Agreement was extremely important. It was the first comprehension of the rape of the Indian people by the Secretary of the Interior. I had never dreamed that I would wind up in that. Went

down there in Salt River, saw the same thing. They committed every drop of water on the White Mountain Reservation to the Reclamation project.

Seney: And it was this same man—

Corke: Yes.

Seney: —Mr. Code, who was behind it.

Corke: He's the secretary's man that went down there, was there.

Veeder: That's right. He was sent out there for the purpose of stealing the water. And you say have things changed any. If you had to go in that room right next door, you'd find they haven't changed a bit, because at the time I'm trying to put together a total response to the Code approach when he committed all the water on my tribe's reservation for the White Mountain Apache. Now, they're not—things have changed there. They're pretty sophisticated, pretty smart, pretty tough, and they know they own a beautiful piece of land out there. They know it. And they know the Salt River rises within their Reservation.

We were sitting here speaking, before you

came in, about the unique situation that prevails in these matters and how the fight is more difficult today than it was fifty years ago, because the competition for water is so great. That is the problem. And I think it would be true, if you go back and read the history, the dominant society consumes [unclear] [the subordinate society]. I think that what you're looking at, as I said, when you put all these things up in your archives, I think you should put genocide is probably planned, fully planned. I think that's the result of it.

Seney: Well, I think that's what comes out of all of these discussions I've had with some people.

Veeder: Other people are saying about the same thing?

Seney: Yes. And, you know, again, everybody's perspective is slightly different. Everybody's got a piece of the puzzle. That's why we need to talk to so many different people. I'm especially interested in your comment a minute or two ago that you think that the current climate—I guess the term that's used sometimes is devolution at this point—and you mentioned welfare reform and there's some other matters, trying to give power back to the states, and your comments about Attorney General Reno—

END SIDE 2, TAPE 1.  
BEGINNING SIDE 1, TAPE 2.

Seney: Today is March 25, 1997. My name is Donald Seney. I'm with Mr. William Veeder and with Mr. Charles Corke. This is our second tape, first session.

What I was saying, and you were agreeing, is that this whole business of devolution is an attempt to push the question of Indians' rights and protections back down on the states. I take it you both agree that's not a good thing, to have that happen.

Veeder: Why, it's murder! Why do you think the Constitution is written the way it is? The deadliest enemy—the document proves, the states are the deadliest enemies of the Indian people. And why would you subvert the Indian people and their priceless rights to the use of water to their deadliest enemy for adjudication? I'm a Westerner.

Seney: So even as bad as the federal government's been, the states are going to be worse?

Veeder: Oh, well, hell, yes. Excuse me. I didn't mean to answer for you. Go ahead.

### **The Problems of Indian Water Settlements**

Corke: No. I was just going to say that I haven't been an enthusiastic supporter of this high priority that has been given to water settlements for Indian tribes. There may be some that are good.

Veeder: Which one? What would be a good settlement?

Corke What bothers me is that all these settlement acts that have been passed in recent years, I think, are, in many case, sinful because they are convincing the tribes to trade water in their future, water that is, I think, legally theirs, for dollars. I think they are selling out, some tribes are selling out due to failure to use a long-term viewpoint of what it means to that tribe down the road. It's been treated by the committees on the Hill and their staffs and the bureaucracy—when I say Justice and the Interior, they've all been delighted and patting each other on the back about what a great, great accomplishment it's been getting these tribes to settle for their water. I may not live to see it, but I think the tribes are going to wake up down the line somewhere and say, "Our leadership in the 1980s or nineties sold us out."

Veeder: Well, there's no question about it. There's no

question. There's no question the McCarran Amendment, as sponsored by Janet Reno down here, is being used as a tool, one, to steal Indian water rights, to constrict to the greatest degree the quantity of water to which they're entitled, to abandon totally the aboriginal right, and then, as Phil Corke has said in some of his affidavits that I'm using in court, the Attorney General of the United States has so constricted the quantity of water to which the Indian will be entitled that they couldn't possibly survive in the particular areas to which we're referring. Isn't that what you've sworn to?

Corke: That's right. And what I'm really saying is there's been a big push to nail it down, tie them down, get this matter settled. It's been hanging over the white man's head all these years and all the developments everywhere, but I hate to see them bought off with dollars—

Veeder: Phil, they're doing it on misrepresentation.

Corke: Yes, and it's becoming law and—

Seney: Would you include Public Law 101-618 in this category, the Fallon-Paiute-Shoshone Settlement Act, the one that has the Truckee-Carson—

Corke: I would be suspicious of it, but I'm not familiar enough with its content. I was trying to find it before you arrived. I wanted to take it—I know some of the terms when it was being negotiated, Pelcyger and Bill Byler and God knows who all.

Veeder: Yes. Did Bob Pelcyger agree to that?

Seney: Yes, he did. The Pyramid Lake Indians are happy with it. They like it. There are some monies involved. There's some development funds, and there's two funds for the Pyramid Lake Tribe, a development fund and a fish restoration fund as well. They don't get access to the development fund until they've signed off on the New Truckee River Operating Agreement. I mean, it's very interlocking legislation. But they supported it. You know, the ones who are really opposed to that legislation were the Truckee-Carson Irrigation District. They're the ones who really tried to kill it. But of the two tribes, the one that gave up water rights was actually the Fallon Tribe. It got some of its water rights taken away, but it was then given money, which it can spend to buy new water rights.

Now, the Pyramid Lake people tell me that this was a ploy on their part to reduce demand in

the Carson area. That is, if you've got 10,000 acre feet of water rights and I cut that down to 5,000, but then I give you enough money that you can replace those 5,000, I've essentially cut the demand by 5,000 acre feet in that basin, and that's more water that doesn't need to be diverted from the Truckee River and can go into Pyramid Lake. So the question of what the relationship between the two tribes is and whether one suffered while the other prospered—

Veeder: Well, the issue—we've gone beyond your time.

#### **The Alpine and Orr Ditch Decrees**

Seney: Yes. I did want to ask you a little bit about the Alpine Decree and what you two did on the Alpine Decree. What kind of work did you do on the Alpine Decree?

Corke: Well, my effort was trying to cut down the non-Indian water usage above Lahontan Reservoir on the Carson River, because, as I said, we took the position and kept hammering on it, really, that every acre foot of water that they allowed to be used over there meant another acre foot being diverted at Derby Dam [from the Truckee River] into Lahontan as replacement and thereby shorting Pyramid Lake, and we probably went down screaming and lost, I think.

Seney: So you were really challenging people's claims of water rights?

Corke: Oh, yes. Reclamation's lawyers, especially, were out there trying—here and out there both—trying to get us to go along with what we considered unreasonable uses, allowances, over there just so they could settle the damned thing and get it entered and so they could go on with the business of Watashemu Dam and whatever.

Seney: Right.

Veeder: Bear in mind, once more, you had the Attorney General of the United States in the Alpine case, started the Alpine case, aligning himself aggressively against the Indian people.

Seney: Right, to settle all the claims.

Veeder: Right.

Seney: Right, as with the Orr Ditch Decree.

Veeder: But when you really got down to it, in my work on it, the Truckee-Carson Irrigation District made the diversion the way they wanted. The Derby Canal was open and ran all the time. Hell, there was no—it was great for the fish.

Seney: Including winter power generation.

Veeder: There's no question. No question. You are looking, as I said before when you started this conversation an hour ago, an hour and a half ago, we are looking at corruption at a scale that was incredible to comprehend. I, as a lawyer, I never got over being totally astounded at the total disregard of the Secretary of the Interior and the Department of Justice and Attorney General over the manipulation of the Indian water in the Pyramid Lake litigation. The Alpine Decree was nothing but a front. As I said, it's corruption. It is corruption in the court that is shocking, but it's going on today. As I said, I have a situation right in there now, a letter from Reno saying the Indians don't have aboriginal rights. That's a cockeyed damned lie. I'm not going to be quiet about it.

Seney: Anything else either of you want to add?

Veeder: Well, we're glad to have you here.

Seney: Well, I appreciate that, and I appreciate your perspective. It's very important in terms of your views on what the overall federal government's view of the Indians is and what an uphill battle there is to protect Indian water rights.

Veeder: I thought it was imperative we have Phil, because Phil, closer than anyone else, was in the administrative end of it. It's easy for a lawyer to pop off, but here was a guy who was talking acre feet on the ground.

Seney: Yes. Well, anything you want to add, Mr. Corke?

Corke: No. I can't think of any.

Seney: Okay. Well, thank you very much, on behalf of the Bureau. They may not be so happy, but I'm very happy with this interview. Thank you both very much.

END SIDE 1, TAPE 2. MARCH 25, 1997  
END OF INTERVIEW